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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 056,252	01 24 2002	Kenneth Smith	OPT785 01935	7789

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EXAMINER

CARIASO, ALAN B

ART UNIT PAPER NUMBER

2875

DATE MAILED: 01 31 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,252

Applicant(s)

SMITH, KENNETH

Examiner

Alan Cariaso

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by RICARD (US 4,731,706).

3. RICARD discloses a light beam location adjustment device that includes the process of pivoting and moving of associated parts comprising: a bulb (35-fig.4) and an accompanying bulb holder (37); a pivot mount (rim 42); a reflector (36) attached to the pivot mount (42); a first pivot mechanism (90,62,59,56,66;figs.4 & 5) to pivot the pivot mount (42) about a first axis (51, col.11, lines 37-46); and a second pivot mechanism (91,63,57,60,67;figs.8 & 9) to pivot the pivot mount (42) about a second axis (50) perpendicular the first axis (51) (as illustrated by axes 50-fig.4 and 51-fig.8, where figs. 4 & 8 are orthogonal views of each other); wherein the first pivot mechanism (90,62,59,56,66;figs.4 & 5) includes a hinge (47,49) at the first axis (51) and is moved by a first adjustment pin (62); wherein the first adjustment pin (62) is moved axially by rotation of an internally threaded first knob (90,84-fig.5); wherein the second pivot mechanism (91,63,57,60,67;figs.8 & 9) includes a pivot member (57-fig.9) connected to the pivot mount (42) which will rotate the pivot mount (42) in response to movement of the pivot member (57); wherein the pivot member (57) is moved by a second

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adjustment pin (63) moved axially by rotation of an internally threaded knob (91,85-fig.9); include a front housing (27), a back housing (34) and a lens (15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over RICARD (US 4,731,706) in view of DOBLER et al (US 5,567,035).

6. RICARD discloses applicant's invention except the reflector rigidly mounted to the pivot mount by fasteners and the bulb holder attached to the pivot mount.

7. DOBLER discloses a reflector adjusting device in the same field of endeavor including the reflector (10) and bulb holder connected by fastening means (figs.1 & 2) for the purpose of pivoting the reflector in directing light relative the optical axis (39). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the light beam adjustment device of RICARD to include the type of fastening connection between the reflector, bulb holder and pivot mount as disclosed by DOBLER in order to rigidly connect the reflector and light source to the pivoting mechanism allowing adjustable re-directing of the light beam.

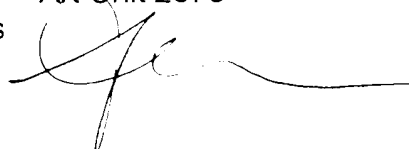
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SCHMIDT et al (US 5,077,641) and MCMAHAN (US 4,599,681) show reflectors with light source fastened turning frames allow angular positioning of the reflectors relative an outer housing and therefore angularly re-direct of the light beams. BAKER (US 3,932,837) shows internally threaded knobs that axially move elongate screws to pivot a reflector-lamp apparatus about axes perpendicular to each other. LIEBEGOTT (US 4,343,031) and WHEAT et al (US 5,386,349) show other threaded elongate screws with knobs at their ends in pivoting the reflector/lamp about plural axes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (703) 308-1952. The examiner can normally be reached on M-F (9:00-5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Alan Cariaso
Primary Examiner
Art Unit 2875



AC
January 24, 2003